No. 17-965

IN THE

Supreme Court of the United States

DONALD J. TRUMP, ET AL.,

Petitioners,

v.

STATE OF HAWAII, ET AL.,

Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

BRIEF OF *AMICI CURIAE* TAHIRIH JUSTICE CENTER, THE ASIAN PACIFIC INSTITUTE ON GENDER-BASED VIOLENCE, CASA DE ESPERANZA, NATIONAL COALITION AGAINST DOMESTIC VIOLENCE, NATIONAL DOMESTIC VIOLENCE HOTLINE, AND FUTURES WITHOUT VIOLENCE IN SUPPORT OF RESPONDENTS (Additional *Amici* on First Page)

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TABLE OF CONTENTS

Page

ADDITIONAL *AMICI* i

TABLE OF AUTHORITIES iv

INTEREST OF *AMICI CURIAE* 1

SUMMARY OF THE ARGUMENT 2

ARGUMENT 6

I. THIS PROCLAMATION UNDERMINES THE PUBLIC SAFETY BALANCE CONGRESS ESTABLISHED WHEN IT CREATED IMMIGRATION PROVISIONS TO ENCOURAGE VICTIM-WITNESSES TO COLLABORATE WITH LAW ENFORCEMENT. 6

A. Law enforcement needs victim-witnesses to reduce human trafficking funding for terrorism. 6

1. Human trafficking finances terrorism. 6

2. Victim-witnesses are essential to helping law enforcement penetrate intricate networks of human trafficking. 9

B. The Proclamation diminishes law enforcement's ability to prevent criminal enterprises and terrorists from operating in the United States by depriving victim-witnesses of family and community support. 12

C. The Proclamation cripples law enforcement's ability to fight terrorism by hindering victim-witnesses from eight countries where human trafficking is prevalent. 17

D. The Proclamation imperils law enforcement's ability to prevent and prosecute domestic violence and sexual assault in the United States. 19

II. THE PROCLAMATION'S CASE-BY-CASE WAIVER PROVISIONS ARE UNDER DEVELOPED AND OF LITTLE CONSOLATION TO VICTIMS OF ABUSE. 25

CONCLUSION 26

APPENDIX 1a

TABLE OF AUTHORITIES

Page(s)

Cases

Elonis v. United States,
135 S. Ct. 2001 (2015).....24

Planned Parenthood v. Casey,
505 U.S. 833 (1992).....16

U.S. v. Castleman,
134 S.Ct. 1405 (2014).....19

United States v. Hayes,
555 U.S. 415 (2009).....12

Statutes

8 U.S.C. § 1101(a)(15)(T)(i)(I)–(IV) (2013) 13

22 U.S.C. § 7101(b)(5) (2013).....15

Pub. L. No. 106-386, § 1513, 114 Stat. 1464
(2000).....3

Regulations

8 C.F.R. § 214.11(k)(1) 13

8 C.F.R. § 214.11(k)(2) 13

8 C.F.R. § 214.14(f)(1) 13

8 C.F.R. § 214.14(f)(2) 13

TABLE OF AUTHORITIES
(continued)

Page(s)

Other Authorities

142 Cong. Rec. 22985 (1996) 12

Alytia A. Levendosky, et al., *The Social Networks of Women Experiencing Domestic Violence*, 34 AM. J. OF CMTY. PSYCHOLOGY 95 (2004) 15

Antonio Guterres, *Remarks on International Day for the Elimination of Violence Against Women* (Nov. 22, 2017) 2

BBC News, *Al-Qaeda Around the World* (Aug. 5, 2013) 17

BBC News, *Islamic State: Where Key Countries Stand* (Dec. 3, 2015) 17

Beth Lubetkin, *Violence Against Women and the U.S. Immigration Laws*, 90 AM. SOC'Y INT'L L. PROC. 616 (1996) 24

Denise Brennan, *Key Issues in the Resettlement of Formerly Trafficked Persons in the United States*, 158 U. Pa. L. Rev. 1581 (2010) 16

TABLE OF AUTHORITIES
(continued)

Page(s)

Department of Homeland Security, *U and T Visa Law Enforcement Resource Guide for Federal, State, Local, Tribal and Territorial Law Enforcement, Prosecutors, Judges, and Other Government Agencies* (2011).....14

DOJ Executive Office for United States Attorneys, *Human Trafficking* (Nov. 2017).....11

Elizabeth M. McCormick, *Rethinking Indirect Victim Eligibility for U Non-Immigrant Visas to Better Protect Immigrant Families and Communities*, 22 STAN. L. & POL'Y REV. 587 (2011) 20

Ellen Wulfhorst, *Immigration expert predicts human trafficking will surge under Trump*, Reuters (Apr. 25, 2017) 17

"Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats," Proc. 9645 (Sept. 27, 2017) 1

TABLE OF AUTHORITIES
(continued)

Page(s)

G. Zachary Terwilliger; Michael J. Frank; Taryn A. Merkl, *Human Trafficking and Organized Crime: Combating Trafficking Perpetrated by Gangs, Enterprises, and Criminal Organizations*, 65 U.S. Att'ys Bull. 123 (2017) 14, 19

Gonzalez, Elsie, "*The Nexus between Human Trafficking and Terrorism/Organized Crime: Combating Human Trafficking By Creating a Cooperative Law Enforcement System*" (2013) 6

Gonzalez, Elsie, *The Nexus between Human Trafficking and Terrorism/Organized Crime: Combating Human Trafficking By Creating a Cooperative Law Enforcement System* (2013) 9

H.R. Rep. No. 106-487 (1999) 12

Heidi Glenn, *Fear of Deportation Spurs 4 Women to Drop Domestic Abuse Cases In Denver*, NPR (Mar. 21, 2017) 22

James Queally, *ICE agents make arrests at courthouses, sparking backlash from attorneys and state supreme court*, Los Angeles Times (Mar. 16, 2016) 22

TABLE OF AUTHORITIES
(continued)

Page(s)

James Queally, *Latinos are reporting fewer sexual assaults amid a climate of fear in immigrant communities, LAPD says*, Los Angeles Times (Mar. 21, 2017).....21

Janey Stephenson, *The Correlation Between Domestic Violence and Terror is Distressingly Stark*, The Debrief (March 29, 2017).....2

Jennifer Williams, *Trump's "Muslim Ban" is a Huge Gift to ISIS*, Vox (Jan. 29, 2017).....10

Jonathan Blitzer, *The woman arrested by ICE in a courthouse speaks out*, The New Yorker (Feb. 23, 2017).....22

Josh Sanburn, *President Trump's Immigration Order Could Harm the Fight Against Domestic Terror Some Experts Warn*, Time (Jan. 31, 2017).....10

Lindsey Bever, *Hispanics 'are going further into the shadows' amid chilling immigration debate, police say*, Washington Post (May 12, 2017) 21

Lisa Goodman, et al., *Obstacles to Victims' Cooperation with the Criminal Prosecution of Their Abusers: The Role of Social Support*, 14 VIOLENCE AND VICTIMS 427 (1999) 15

TABLE OF AUTHORITIES
(continued)

Page(s)

Mark Berman, *The Persistent Crime That Connects Mass Shooters and Terror Suspects: Domestic Violence*, Washington Post (Aug. 15, 2017) 2

Marty Schladen, *ICE detains alleged domestic violence victim*, El Paso Times (Feb. 15, 2017) 21

Mili, Hayder and Townsend, Jacob, *Human Smuggling and Trafficking* (May 2008) 18

Nathan Vardi, *Al-Qaeda's New Business Model: Cocaine and Human Trafficking*, Forbes (Dec. 18, 2009) 6, 8

National Latin@ Network for Healthy Families and National Domestic Violence Hotline, *Realidades Latinas: A National Survey on the Impact of Immigration and Language Access on Latina Survivors* (April 2013) 22

P.R. Lockhart, *Immigrants Fear a Choice Between Domestic Violence and Deportation*, Mother Jones (Mar. 20, 2017) 21

Protected, Not Removable: Foreign National Trafficking Victims and the Immigration Policies of the Trump Administration, National Law Review (Nov. 18, 2017) 17

TABLE OF AUTHORITIES
(continued)

Page(s)

Russell Howard & Traughber, Colleen M. Traughber, *The "New Silk Road" of Terrorism and Organized Crime: The Key to Countering the Terror-Crime Nexus* (2008).....7

Safia Samee Ali, *Human Trafficking Increased in 2016, Organization Reports*, NBC News (Feb. 5, 2017) 7

Shannon A. Welch, *Human Trafficking and Terrorism: Utilizing National Security Resources to Prevent Human Trafficking in the Islamic State*, 24 Duke Journal of Gender Law & Policy 165 (2017).....8

Survey Reveals Impact of New Immigration Policies on Survivors of Violence, Tahirih Justice Center (May 18, 2017).....23

Susan W. Tiefenbrun, *The Saga of Susannah: A U.S. Remedy for Sex Trafficking in Women: The Victims of Trafficking and Violence Protection Act of 2000*, 2002 UTAH L.REV. 107 (2002).....7

Terrorism and Trafficking Finding the Nexus. IAST Report. (Spring 2002).....6

UN High Commissioner for Human Rights, *Report on the Protection of Civilians in Armed Conflict in Iraq: 6 July-10 September 2014* (2014).....8

TABLE OF AUTHORITIES
(continued)

Page(s)

United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons 2016* (Dec. 2016).....11

United Nations, *Security Council Condemns Human Trafficking Strongest Terms, Unanimously Adopting Resolution 2331* (Dec. 20, 2016), ...8

INTEREST OF *AMICI CURIAE*[1]

Amici are a coalition of organizations united in the goal of serving survivors of gender-based and domestic violence. *Amici* include nonprofit organizations devoted to remedying domestic violence through legislative, legal, and other initiatives, as well as additional organizations dedicated to serving and supporting survivors of domestic violence. Among other things, they provide shelter, counseling, and advocacy services, as well as serving as leaders in developing and implementing the Violence Against Women Act ("VAWA") and other laws that provide safety and independence for survivors of domestic violence. *Amici* have hundreds of years of collective experience working with such survivors, including extensive efforts to improve both the criminal and civil justice systems' responses to and prevention of domestic violence. They are united in their deep concern that the President's Proclamation 9645[2] will endanger immigrant and refugee women and children survivors, who are often

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[1] *Amici* are described in the Appendix to this brief. No part of this brief was authored, in whole or in part, by counsel for any party, and no person or entity has made any monetary contribution to the preparation or submission of the brief other than *amici curiae* and their counsel. Pursuant to Rule 37.3(a), amici state that counsel of record for Petitioners and Respondents have consented to the filing of this brief.

[2] "*Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats*," Proc. 9645 (Sept. 27, 2017) (the "Proclamation").

the persons most vulnerable to gender-based violence.

SUMMARY OF THE ARGUMENT

Terrorism, human trafficking, and domestic violence are inextricably linked. "There is . . . increasing evidence that violence against women and girls is linked to other attacks, including violent extremism and even terrorism,"[3] and terrorists are repeatedly found to be seasoned domestic abusers.[4] Recognizing the critical role that victims of trafficking and other crimes can play in bringing traffickers to justice, Congress established protections designed to encourage victims to cooperate with law enforcement. In exchange for that cooperation, Congress promised that victims would be able to get the support they needed to heal and to move on.

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[3]Antonio Guterres, *Remarks on International Day for the Elimination of Violence Against Women* (Nov. 22, 2017), https://www.un.org/sg/en/content/sg/speeches/2017-11-22/elimination-violence-against-women-remarks

[4]Mark Berman, *The Persistent Crime That Connects Mass Shooters and Terror Suspects: Domestic Violence*, Washington Post (Aug. 15, 2017), https://www.washingtonpost.com/news/post-nation/wp/2017/08/15/the-persistent-crime-that-connects-mass-shooters-and-terror-suspects-domestic-violence/?utm_term=.d3f269016838; Janey Stephenson, *The Correlation Between Domestic Violence and Terror is Distressingly Stark*, The Debrief (March 29, 2017), https://thedebrief.co.uk/news/real-life/terrorism-terrorism-domestic-violence-according-government/

The Proclamation disconnects these dots and breaks that promise. And instead of making Americans more safe, it makes them less safe, by crippling law enforcement's ability to obtain cooperation from victim-witnesses to these crimes from eight named countries and to gather intelligence to prevent future crime.

To provide justice for victims of violence, and for sound law enforcement purposes, the United States for decades has provided legal protections and social service support for victims, from Congress authorizing, then reauthorizing, the Violence Against Women Act (VAWA), to building a framework of federal protections for domestic violence and sexual assault victims, to creating a criminal justice system and community-based responses to gender-based crimes. Through VAWA and other legislation, Congress has extended immigration protections to non-citizens, creating new pathways to safety and permanency for abused and trafficked victims of violence. Congress did much the same by creating the U and T Visa programs, limiting criminals' ability to transform our nation's immigration laws into tools of abuse.[5]

Now, with a pen stroke, the President's Proclamation 9645 endangers these protections and upends decades of legal and moral leadership. In so doing, the Proclamation sends a disturbing message to the world: that the United States is not serious

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[5] Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, § 1513, 114 Stat. 1464, 1533-1537 (2000).

about employing all existing means to protect public safety and thwart terrorism.

1. The Proclamation's draconian prohibition on the entry of nationals from eight nations (Section 2) bars all women and girls from those nations who may seek to escape human trafficking or gender-based violence through a range of visa programs. In the name of serving America's public good, the Proclamation disserves America by stripping law enforcement of an essential prosecutorial imperative: the victim-witness. The Proclamation perversely works this public travesty by weakening the specific tools Congress has provided law enforcement to prosecute predators of women and children. The U and T Visa programs are designed to support victims of trafficking, domestic violence, and sexual abuse in coming forward to aid law enforcement in prosecuting traffickers and abusers. The Proclamation strips these victim-witnesses of social support systems designed by Congress to help them obtain justice and overcome abuse. Survivors with U or T nonimmigrant status will no longer be able to seek derivative visas for members of their family support systems, denying them an important means of combating the profound isolation that traffickers and perpetrators impose through gender-based violence and domestic abuse.

2. In an attempt to temper the brutal harshness of its core provisions, the Proclamation includes two narrow case-by-case waiver schemes. In reality, they provide little consolation to victim-witnesses. The waiver provisions are underdeveloped. Waiver decisions in any case are entirely discretionary and unreviewable. Worse, the Proclamation does not

expressly include victims of gender-based violence among those eligible for waivers.

Even were such waivers freely available and accepted at face value, the waiver process would impose bruising evidentiary burdens on applicants—at the very moment when victim-witnesses can least sustain additional hurdles to securing safety.

3. The Proclamation also creates a broader—and very real—danger to noncitizen women and children victim-witnesses: It exacerbates existing victim fear of accessing law enforcement and provides abusers with yet another tool of control and coercion. This in turn undermines an overriding priority of the T and U Visa programs—to cultivate trust and cooperation between victim-witnesses and law enforcement to bring criminals to justice. The Proclamation condemns victim-witnesses to remain in abusive and exploitative situations rather than come forward—and exposes our communities to perpetrators who might otherwise have been brought to justice.

The harm this Proclamation will cause—and has already caused—victims of gender-based violence is all too real, as *amici* see in their work every day. It impedes effective police work. It makes our communities less safe. In the name of defending Americans, it does the opposite.

Amici respectfully request that this Court affirm the judgments of the courts of appeals.

ARGUMENT

I. THIS PROCLAMATION UNDERMINES THE PUBLIC SAFETY BALANCE CONGRESS ESTABLISHED WHEN IT CREATED IMMIGRATION PROVISIONS TO ENCOURAGE VICTIM-WITNESSES TO COLLABORATE WITH LAW ENFORCEMENT.

A. Law enforcement needs victim-witnesses to reduce human trafficking funding for terrorism.

1. Human trafficking finances terrorism.

Human trafficking has become a reliable and consistent source of income for terrorist organizations.[6] In 2002, the World Affairs Council established that "human trafficking is not only one of the first financial steps into the transnational and transcriminal mobsters' financial network but that it is the bedrock of these criminal syndicates. It is far more profitable than trafficking drugs or weapons."[7]

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[6] Nathan Vardi, *Al-Qaeda's New Business Model: Cocaine and Human Trafficking*, Forbes (Dec. 18, 2009), https://www.forbes.com/2009/12/18/al-qaeda-cocaine-business-beltway-al-qaeda.html#3ccfd2b2829b

7 Gonzalez, Elsie, "*The Nexus between Human Trafficking and Terrorism/Organized Crime: Combating Human Trafficking By Creating a Cooperative Law Enforcement System*" (2013) (citing *Terrorism and Trafficking Finding the Nexus*. IAST Report. (Spring 2002). *See also* George Mason University Terrorism, Transnational Crime and Corruption Center,

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Human trafficking is on the rise[8] and is a significant and integrated[9] component of the terrorist economy,[10] generating billions of dollars each year. The terrorist organization Al-Qaeda, for example, "has become increasingly reliant on organized crime, including cocaine smuggling,

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Human Trafficking, Topical Overview, http://traccc.gmu.edu/topics/human-trafficking/ ("Trafficking (of humans) helps perpetuate systemic government corruption. It helps fund the expansion of other organized crime activities as traffickers are often also engaged in trafficking arms and drugs. The quick and continuous profits made from trafficking also permit the criminal organizations.").

[8] Safia Samee Ali, *Human Trafficking Increased in 2016, Organization Reports*, NBC News (Feb. 5, 2017), https://www.nbcnews.com/news/us-news/human-trafficking-increased-2016-organization-reports-n717026

[9] Susan W. Tiefenbrun, *The Saga of Susannah: A U.S. Remedy for Sex Trafficking in Women: The Victims of Trafficking and Violence Protection Act of 2000*, 2002 UTAH L.REV. 107 (2002). (Better technology has made it easier to track money online, and consequently harder to move money from legal accounts into the hands of terrorists without raising flags. However, the same technology has made it faster, easier, and cheaper than ever before for terrorists and organized crime groups to conduct illicit economic transactions while evading government detection Al-Qaeda has turned to organized crime activities as a means of financing their operations. Human trafficking is one of the most profitable organized crime activities.)

[10] Russell Howard & Traughber, Colleen M. Traughber, *The "New Silk Road" of Terrorism and Organized Crime: The Key to Countering the Terror-Crime Nexus* (2008), http://www.jeffnorwitz.com/SiteAssets/book-chapters/27%20The%20New%20Silk%20Road%20of%20Terrorism.pdf.

human trafficking and kidnapping."[11] And the United Nations has documented and reported that for ISIS, human trafficking is part of its broader "policy that aims to suppress, permanently cleanse or expel, or in some instances, destroy those communities within areas of its control."[12] Human trafficking is therefore not only a consistent source of income for terrorists but is "deeply imbedded in their ideology."[13]

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[11] Nathan Vardi, *Al-Qaeda's New Business Model: Cocaine and Human Trafficking*, Forbes (Dec. 18, 2009), https://www.forbes.com/2009/12/18/al-qaeda-cocaine-business-beltway-al-qaeda.html#3ccfd2b2829b

[12] UN High Commissioner for Human Rights, *Report on the Protection of Civilians in Armed Conflict in Iraq: 6 July-10 September 2014* (2014); *See also* United Nations, *Security Council Condemns Human Trafficking Strongest Terms, Unanimously Adopting Resolution 2331* (Dec. 20, 2016), https://www.un.org/press/en/2016/sc12647.doc.htm ("[T]he Council stressed that acts of human trafficking during armed conflict as well as sexual and gender-based violence could be part of the strategic objectives and ideologies of certain terrorist groups by, among other things, incentivizing recruitment, supporting financing through the sale of women, girls and boys, and use of religious justifications to codify and institutionalize sexual slavery.").

[13] Shannon A. Welch, *Human Trafficking and Terrorism: Utilizing National Security Resources to Prevent Human Trafficking in the Islamic State*, 24 Duke Journal of Gender Law & Policy 165-188 (2017), https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1318&context=djglp

To extinguish the sophisticated and complex enterprise of the terrorist economy,[14] the United States must stop the resources that economy relies on—human resources that are trafficked and exploited. Blocking this resource flow to terrorist organizations like Al Qaeda and ISIS is a step toward eroding their influence.[15] To stop terrorists, law enforcement needs to stop the flow of money. To stop the flow of money, law enforcement needs to stop human trafficking. Deterring the testimony and cooperation of victim-witnesses, as the Proclamation does, has the opposite effect.

2. Victim-witnesses are essential to helping law enforcement penetrate intricate networks of human trafficking.

Victims of human trafficking are essential to seeing that such crimes do not happen again. Unfortunately, victim-witnesses often have an intimate understanding of labyrinthine terrorist

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[14] *Id.* at 169 ("Human trafficking is now being carried out in a large scale, systematic, public, and institutionalized manner, and must be combatted in a new manner. Rather than small autonomous and scattered perpetrators, ISIS has built the foundation of their terrorist network on the backs of human trafficking victims.")

[15] Gonzalez, Elsie, *The Nexus between Human Trafficking and Terrorism / Organized Crime: Combating Human Trafficking By Creating a Cooperative Law Enforcement System* (2013); Appendix A: the Financing of the 9/11 Plot, http://govinfo.library.unt.edu/911/staff_statements/911_TerrFin_Monograph.pdf.

networks, and are uniquely positioned to help law enforcement navigate and destroy these networks.

Victim-witnesses critically help decrypt the otherwise elusive terrorist economy and infrastructure:[16] "[t]he cooperation of victims and witnesses is crucial to achieving successful prosecutions of criminal offenders and dismantling organized criminal groups."[17] Victim-witnesses at times know the language, culture, habits and whereabouts of terrorists—invaluable, and often otherwise unattainable, intelligence for law enforcement.[18] The United Nations Office on Drug

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[16] *See* DOJ Report on Human Trafficking November 2017 at 115, *available at* https://www.justice.gov/usao/page/file/1008856/download

[17] United Nations Office on Drugs and Crime, *Victim Assistance and Witness Protection*, https://www.unodc.org/unodc/en/organized-crime/witness-protection.html

[18] DOJ Office of Justice Programs, Office for Victims of Crime Training and Technical Assistance Center, *The Victim as a Witness*, https://www.ovcttac.gov/taskforceguide/eguide/5-building-strong-cases/54-landing-a-successful-prosecution/the-victim-as-a-witness/ ("Victims need to feel safe and know that their traffickers are not nearby. Victims are usually fearful about facing their traffickers (and/or turning on them) and testifying against them, and they will require a great deal of support through the process."); Josh Sanburn, *President Trump's Immigration Order Could Harm the Fight Against Domestic Terror Some Experts Warn*, Time (Jan. 31, 2017), http://time.com/4655229/president-trump-immigration-executive-order-muslims-terrorism-police/; Jennifer Williams, *Trump's "Muslim Ban" is a Huge Gift to ISIS*, Vox (Jan. 29, 2017), https://www.vox.com/world/2017/1/29/14426892/trump-muslim-immigration-refugee-ban-isis-terrorism

and Crime notes that "[t]raffickers and their victims often come from the same place, speak the same language or have the same ethnic background."[19]

The United States law enforcement community likewise recognizes the importance of victim-witnesses. In November 2017, the Deputy Attorney General for the United States explained:

> Successful prosecutions begin with a keen understanding of the federal human trafficking statutes and cases interpreting those statutes, and an appreciation of the special needs of the victims for whom we seek justice. This includes being mindful of the victim-centered, trauma-informed approach that prepares victims to serve as effective witnesses. With this approach, victims are empowered to become full partners in seeking justice for the crimes they have endured.[20]

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[19]United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons 2016* (Dec. 2016), http://www.unodc.org/documents/data-and-analysis/glotip/2016_Global_Report_on_Trafficking_in_Persons.pdf

[20] DOJ Executive Office for United States Attorneys, *Human Trafficking* (Nov. 2017), https://www.justice.gov/usao/page/file/1008856/download

The victim-witness may hold the key to ending the atrocities that made her a victim to start.[21] Without her help, the perpetrators of some of the world's most severe crimes will persist unchecked.

B. The Proclamation diminishes law enforcement's ability to prevent criminal enterprises and terrorists from operating in the United States by depriving victim-witnesses of family and community support.

The T and U Visa programs help law enforcement by encouraging survivors of trafficking and abuse to seek assistance from law enforcement rather than avoid it for fear of deportation. With the support of these programs, non-citizens in turn are more likely to serve as victim-witnesses in investigations and prosecutions, making communities safer by assisting in prosecutions that are already all too rare.[22] This is critical to law enforcement's ability to arrest and prosecute human traffickers.[23]

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[21] Hass G, Yang E, Monahan K, Orloff L, Anver B (2014) *Barriers and Successes in U Visas for Immigrant Victims: The Experiences of Legal Assistance for Victims Grantees.* Arts Social Sci J S1: 005.

[22] *See United States v. Hayes*, 555 U.S. 415, 426 (2009) ("[M]any people who engage in serious spousal or child abuse ultimately are not charged with or convicted of felonies."), *quoting* 142 Cong. Rec. 22985 (1996).

[23] *E.g.* H.R. Rep. No. 106-[illegible] at 4 (1999) ("[T]o deter international trafficking and to bring its perpetrators to justice, nations . . . must . . . giv[e] the highest priority to investigation

(continued...)

Both T and U Visa recipients must agree to help law enforcement investigate or prosecute perpetrators of crimes. The difference in the visa categories turns on the underlying harm to the victim-witness. T Visa recipients are victims of human trafficking.[24] U Visa recipients must have suffered "substantial physical or mental abuse" as a result of the crime and possess information about it. The T and U Visa statutory framework permits an individual with T or U nonimmigrant status to petition United States Citizenship and Immigration Services ("USCIS") for certain family members to receive derivative status.[25] In both programs, derivative visas are available for the victim-witness' spouse and children.[26] If the victim is under twenty-one, a victim-witness may also petition for her parents and unmarried siblings under age eighteen.[27]

For her loved ones to be eligible for T or U Visa status, the victim-witness must demonstrate that the individual for whom derivative status is sought is an eligible family member and is admissible to the United States—in other words, the family member must undergo all of the rigorous testing that already exists within the State Department when evaluating

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(continued...)

and prosecution of trafficking offenses, and . . . protect[] rather than punish[] the victims of such offenses.").

[24] 8 U.S.C. § 1101(a)(15)(T)(i)(I)–(IV) (2013).

[25] 8 C.F.R. § 214.11(k)(2); 8 C.F.R. § 214.14(f)(2).

[26] *Id.*

[27] 8 C.F.R. §§ 214.14(f)(1), 214.11(k)(1).

any potential immigrant.[28] Derivative status for family members lies at the heart of the T and U Visa programs. It ensures that the two primary and complementary goals underlying the programs work as intended: protecting and supporting victim-witnesses and ensuring that law enforcement receives the information and assistance it needs to hold accountable perpetrators who prey on this vulnerable population.

The Proclamation decouples these concomitant goals. It hamstrings law enforcement in its effort to work with victim-witnesses that possess information necessary to prosecute perpetrators committing crimes in the United States. Without the victim-witness informer, law enforcement's ability to do its job suffers.[29]

By eliminating the economic and social support T and U derivatives provide to victim-witnesses', the Proclamation condemns some victim-witnesses to staying with abusers and traffickers or returning to them when it becomes apparent that they cannot

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[28] Department of Homeland Security, *U and T Visa Law Enforcement Resource Guide for Federal, State, Local, Tribal and Territorial Law Enforcement, Prosecutors, Judges, and Other Government Agencies* (2011), https://www.dhs.gov/sites/default/files/publications/PM_15-4344%20U%20and%20T%20Visa%20Law%20Enforcement%20Resource%20Guide%2011.pdf

[29] G. Zachary Terwilliger; Michael J. Frank; Taryn A. Merkl, *Human Trafficking and Organized Crime: Combating Trafficking Perpetrated by Gangs, Enterprises, and Criminal Organizations*, 65 U.S. Att'ys Bull. 123 (2017).

survive in our society without such support. For immigrant victim-witnesses, usually women and children who find themselves strangers in a strange land upon escaping their abusers, economic and social support may be available only through reunification with family. Congress recognized this, and provided a framework to bring that necessary family to the United States.[30] By discouraging participation in the U and T programs, the Proclamation eliminates a potent and often unique tool for law enforcement officers seeking to stop criminal enterprises that funnel money back to those very countries the Proclamation singles out.[31]

The consequence for victim-witnesses is grave. The presence of a family member provides physical protection and support against retaliation by the trafficker and his associates. And, in instances where a victim-witness can obtain a derivative visa for a parent, the parent's presence may prevent her

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[30] 22 U.S.C. § 7101(b)(5) (2013) ("Traffickers often transport victims from their home communities to unfamiliar destinations, including foreign countries away from family and friends . . . and other sources of protection and support, leaving the victims defenseless and vulnerable.").

[31] Alytia A. Levendosky, et al., *The Social Networks of Women Experiencing Domestic Violence*, 34 AM. J. OF CMTY. PSYCHOLOGY 95, 106 (2004); Lisa Goodman, et al., *Obstacles to Victims' Cooperation with the Criminal Prosecution of Their Abusers: The Role of Social Support*, 14 VIOLENCE AND VICTIMS 427, 429 (1999) (survivors may hesitate to cooperate with law enforcement because they fear losing their abusers' social and economic support).

from sliding into poverty or homelessness.[32] A parent can assist with chores and child care, providing the victim-witness a base of domestic support necessary for her to become economically self-reliant.[33]

The presence of family can also allay a victim-witness' concerns for her family's safety. Abusers and traffickers often have connections in the victim-witness' native country. Threats to the family's well-being can be every bit as coercive as threatening a victim-witness herself with deportation. An underage victim-witness' ability to obtain derivative status for her parents may help rebuild the family structure, preventing a victim-witness from becoming a ward of the state.

The Proclamation discourages the cooperation that the T and U Visa programs are intended to foster—the very cooperation that Congress found essential to effective law enforcement in the United States.

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[32] Denise Brennan, *Key Issues in the Resettlement of Formerly Trafficked Persons in the United States*, 158 U. PA. L. REV. 1581, 1583 (2010) (T visa recipients are usually locked into "low-paying and insecure jobs" even after receiving nonimmigrant status due, in part, to a lack of social networks and support).

[33] *See Planned Parenthood v. Casey*, 505 U.S. 833, 892 (1992) ("Many abused women who find temporary refuge in shelters return to their husbands, in large part because they have no other source of income.").

C. The Proclamation cripples law enforcement's ability to fight terrorism by hindering victim-witnesses from eight countries where human trafficking is prevalent.

The eight countries singled out in the Proclamation include those where Al-Qaeda, ISIS, and other terrorist organizations operate,[34] and from where many human trafficking violations occur.[35] These same human trafficking networks that traffic victim-witnesses can also move terrorists into the country. Eliminating these networks helps eliminate this threat to the nation's security.

The Proclamation does the opposite. By denying entry into the United States to people who can best support testifying victim-witnesses from these eight countries, it misses the goal it purports to achieve.[36]

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[34]BBC News, *Islamic State: Where Key Countries Stand* (Dec. 3, 2015), http://www.bbc.com/news/world-middle-east-29074514; Wikipedia, the Free Encyclopedia, ISIL Territorial Claims, https://en.wikipedia.org/wiki/ISIL_territorial_claims

[35] Department of State, *Terrorist Designations and State Sponsors of Terrorism*, https://www.state.gov/j/ct/list/c14151.htm; *see also* BBC News, *Al-Qaeda Around the World* (Aug. 5, 2013), http://www.bbc.com/news/world-13296443.

[36] Fish, Caroline, Protected, Not Removable: Foreign National Trafficking Victims and the Immigration Policies of the Trump Administration (November 18, 2017). The National Law Review (2017) (citing Ellen Wulfhorst, *Immigration expert predicts human trafficking will surge under Trump*, Reuters (Apr. 25, 2017, 5:18 PM), www.reuters.com/article/us-trafficking-conference-immigration-idUSKBN17R2V0. *See also Protected, Not Removable: Foreign National Trafficking Victims*

(continued...)

It closes the Congressionally-created pathway for screened family members of those victim-witnesses to enter the United States. That closure may effectively allow underground trafficking networks with links to those countries to continue to operate.[37] Without the testimony and cooperation of victim-witnesses and their supporters, human trafficking will continue to flourish in and from those countries where terrorism thrives.[38]

The Proclamation constricts or outright bans immigration from countries where human trafficking continues to be not merely a grave peril, but one that threatens national security. Harm to law

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and the Immigration Policies of the Trump Administration, National Law Review (Nov. 18, 2017), https://www.natlawreview.com/article/protected-not-removable-foreign-national-trafficking-victims-and-immigration) ("Experts warn that [t]rafficking will skyrocket under President Trump, as fear of deportation leverages traffickers' power over victims, makes victims less willing to come forward, and pushes the crime further underground.")

[37] *See, e.g.*, Mili, Hayder and Townsend, Jacob, *Human Smuggling and Trafficking* (May 2008). CTC Sentinel Vol. 1, Issue 6. (available at https://ctc.usma.edu/human-smuggling-and-trafficking-an-international-terrorist-security-risk/) ("Collaboration and cross-pollination between terrorists and criminals create opportunities for clandestine terrorist movement. . . . [F]or proactive counter-terrorism, it is crucial that immigration agencies are sensitized to the possibility of unidentified or disguised terrorists swimming in the sea of "ordinary" people smuggling.")

[38] The Police Executive Research Forum, Subject to Debate, Newsletter Vol. 31, No. 2 (June–August 2017).

enforcement, to victims, to stranded families, and to our country are the foreseeable consequences.[39]

D. The Proclamation imperils law enforcement's ability to prevent and prosecute domestic violence and sexual assault in the United States.

The Proclamation imperils the safety of immigrant victim-witnesses of gender-based and domestic violence currently in the United States and local communities as well. It does this by eliminating the very family presence and support that can empower victim-witnesses to come forward, report their abusers, and recover from abuse.

Domestic abuse is a crime that tends to escalate over time.[40] In some circumstances, the longer a victim-witness remains with her abuser, the more likely it is she will be seriously injured or killed.

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[39] United Nations Office on Drugs and Crime, *Victim Assistance and Witness Protection*, https://www.unodc.org/unodc/en/organized-crime/witness-protection.html ("Victims who receive appropriate and adequate care and support are more likely to cooperate with the criminal justice system in bringing perpetrators of crime to justice."); *see also* G. Zachary Terwilliger; Michael J. Frank; Taryn A. Merkl, *Human Trafficking and Organized Crime: Combating Trafficking Perpetrated by Gangs, Enterprises, and Criminal Organizations*, 65 U.S. Att'ys Bull. 123 (2017) ("'[B]uilding trust with victims is essential. Showing victims that you will protect their rights, facilitate their access to assistance, and keep them informed will help to stabilize them and build the confidence they need to be effective witnesses.")

[40] *U.S. v. Castleman*, 134 S.Ct. 1405, 1408 (2014) ("Domestic violence often escalates in severity over time . . . .").

Time is of the essence for these women—it may literally mean the difference between life and death. For that reason, victim-witnesses, including those seeking U-visas, often need their supporting family members. Family can provide physical protections to the victim-witness after she finally escapes her abuser. The equation is simple: without protection for their family members, victim-witnesses are less likely to come forward.

Also, threats to those family members in the home country may be used by perpetrators as another method to maintain control over victim-witnesses. Removing that threat eliminates a measure of power that perpetrators have over victims.

Perpetrator abuse does not endanger only the immigrant victims themselves. When victims of gender-based and domestic violence avoid cooperating with law enforcement to bring their abusers to justice, communities are less safe. As former New York City Mayor Rudy Giuliani remarked, "[I]f you are an illegal immigrant . . . and a crime is committed against you, I want you to report that, because lo and behold, the next time a crime is committed, it could be against a citizen or a legal immigrant."[41]

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[41] Elizabeth M. McCormick, *Rethinking Indirect Victim Eligibility for U Non-Immigrant Visas to Better Protect Immigrant Families and Communities*, 22 STAN. L. & POL'Y REV. 587, 600 (2011).

This is the demoralizing net effect of the Proclamation's evisceration of family protections. Nor is this effect hypothetical: it is present today, endangering United States communities at this very moment. Law enforcement officials themselves have noted a significant drop in reports of abuse and violence from neighborhoods of immigrant concentration.[42]

Immigrant victims fear deportation when reporting their abusers.[43] While not affecting their legal status in name, the Proclamation reinforces a growing anxiety among undocumented victims that any interaction with government institutions may subject them to deportation—a fear that has become all too real.[44] Victims may well choose to remain in

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[42] *See* James Queally, *Latinos are reporting fewer sexual assaults amid a climate of fear in immigrant communities, LAPD says*, Los Angeles Times (Mar. 21, 2017) (citing Los Angeles Police Chief Charlie Beck's statements "that reports of sexual assault and domestic violence made by the city's Latino residents have plummeted this year amid concerns that immigrants in the country illegally could risk deportation by interacting with police or testifying in court."). *See also* Lindsey Bever, *Hispanics 'are going further into the shadows' amid chilling immigration debate, police say*, Washington Post (May 12, 2017) (quoting Houston Police Chief Art Acevedo: "It looks like they're going further into the shadows, and there appears to be a chilling effect in the reporting of violent crime by members of the Hispanic community").

[43] P.R. Lockhart, *Immigrants Fear a Choice Between Domestic Violence and Deportation*, Mother Jones (Mar. 20, 2017), *available at* http://www.motherjones.com/politics/2017/03/ice-dhs-immigration-domestic-violence-protections.

[44] Marty Schladen, *ICE detains alleged domestic violence victim*, El Paso Times (Feb. 15, 2017) (ICE arrested

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the shadows rather than seek justice or cooperate with local law enforcement.[45]

Amici serve women and girls who have experienced first-hand these very fears since the Proclamation was issued. Indeed, in a May 2017 survey conducted by seven national organizations providing services to victims of gender based violence (including *amici*), 78 percent of advocates reported that immigrant victim-witnesses expressed

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undocumented victim of domestic abuse as she left the courtroom where she had just obtained a protective order from her abuser, apparently based on that abuser's tip), *available at* http://www.elpasotimes.com/story/news/2017/02/15/ice-detains-domestic-violence-victim-court/97965624/; Jonathan Blitzer, *The woman arrested by ICE in a courthouse speaks out*, The New Yorker (Feb. 23, 2017), http://www.newyorker.com/news/news-desk/the-woman-arrested-by-ice-in-a-courthouse-speaks-out.

[45] Heidi Glenn, *Fear of Deportation Spurs 4 Women to Drop Domestic Abuse Cases In Denver*, NPR (Mar. 21, 2017), *available at* http://www.npr.org/2017/03/21/520841332/fear-of-deportation-spurs-4-women-to-drop-domestic-abuse-cases-in-denver; National Latin@ Network for Healthy Families and National Domestic Violence Hotline, *Realidades Latinas: A National Survey on the Impact of Immigration and Language Access on Latina Survivors* (April 2013), *available at* http://www.nationallatinonetwork.org/images/files/NLNRealidades_Latinas_The_Impact_of_Immigration_and_Language_Access_FINAL.pdf; James Queally, *ICE agents make arrests at courthouses, sparking backlash from attorneys and state supreme court*, Los Angeles Times (Mar. 16, 2016), *available at* http://www.latimes.com/local/lanow/la-me-ln-ice-courthouse-arrests-20170315-story.html (describing apprehension of undocumented immigrant by ICE on the Pasadena courthouse steps).

concerns about contacting police.[46] Three in four service providers responding reported that immigrant victim-witnesses have concerns about going to court for a matter related to the abuser or offender. Forty-three percent of advocates worked with immigrant victim-witnesses who dropped civil or criminal cases because they were too afraid to press them.

For example, earlier this year, after the Proclamation was issued, a 16-year-old victim-witness attempted suicide rather than report a crime against her because she feared the offender would report her and her family to ICE. In Minnesota, an immigrant victim of assault and robbery refused to report the crime to police for fear of deportation. In Olympia, Washington, a victim of abuse was deported shortly after she reported the abuse against her.[47]

This growing fear and distrust of law enforcement imperils the lives of immigrant victim-witnesses. Sometimes the fear of being deported and

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[46] *Survey Reveals Impact of New Immigration Policies on Survivors of Violence*, Tahirih Justice Center (May 18, 2017), *available at* http://www.tahirih.org/news/survey-reveals-impact-of-new-immigration-enforcement-policies-on-survivors-of-violence/ (accessed Sept. 1, 2017). A total of 715 victim advocates and attorneys in 46 states and the District of Columbia completed the survey.

[47] *See Survey Reveals Impact of New Immigration Policies on Survivors of Violence*, Tahirih Justice Center, http://www.tahirih.org/news/survey-reveals-impact-of-new-immigration-enforcement-policies-on-survivors-of-violence/

separated from family is all that prevents an undocumented victim-witness from leaving her abuser.[48] Abusers use that fear to coerce and control their victims,[49] discouraging them from accessing the safety and justice Congress intended.

The public has a strong interest—reflected in the framework established by Congress in the 1994 Violence Against Women Act and progeny (including the U and T visas)—in ensuring that undocumented immigrant victim-witnesses trust and cooperate with law enforcement. By generating anxiety and fear in potential victim-witnesses and providing an additional weapon of power and control to perpetrators, the Proclamation undermines that public interest.

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[48] Beth Lubetkin, *Violence Against Women and the U.S. Immigration Laws*, 90 AM. SOC'Y INT'L L. PROC. 616, 620 (1996) ("Fear of deportation deters abused immigrant woman from coming forward to report abuse. Just as with abuse victims who are not immigrants, batterers threaten that they will take custody of minor children. For immigrant women, that threat is all the more frightening when they are unfamiliar with the U.S. justice system, may not speak English and fear they will never see their children again if separated from them through deportation.").

[49] *Elonis v. United States*, 135 S. Ct. 2001, 2017 (2015) ("Threats of violence and intimidation are among the most favored weapons of domestic abusers.")

II. THE PROCLAMATION'S CASE-BY-CASE WAIVER PROVISIONS ARE UNDER DEVELOPED AND OF LITTLE CONSOLATION TO VICTIMS OF ABUSE.

The Proclamation identifies certain categories of foreign nationals and refugees who may qualify for "case-by-case" admission at the discretion of the Secretaries of State and Homeland Security.[50] This discretionary and unreviewable waiver regime poses at least two problems for the populations *amici* serve.

First, victims of gender-based violence are excluded altogether from those the Proclamation suggests may qualify for waivers.

Second, even if the waiver provisions' purported goals are accepted at face value, the waiver process imposes heavy evidentiary burdens on applicants. As noted by the Hawaii Respondents in the district court proceedings underlying Travel Ban version 2.0, "[a]ll aliens covered by the Proclamation—including refugees who are themselves seeking to escape violence—are presumptively excluded as potential terrorists . . . [and] must seek admission based on an intricate scheme of categorical exemptions and case-by-case waivers."[51] This scheme presents additional

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[50] Order, §§ 3(c) and 6(c).

[51] Mem. Supp. Pl.'s Mot. TRO at 39, *State of Hawaii v. Trump*, No. 1:17-cv-00050-DKW-KJM (D. Haw. Mar. 8, 2017), ECF No. 65; *see also* Br. for State of Hawaii, *State of Hawaii v. Trump*, No. 17-17168, at 14 (Nov. 18, 2017), ECF No. 51.

hurdles that would delay family reunification. This is no small matter where reunification, by Congress' design, could provide a gender-based violence victim-witness the social support and protection she needs.

CONCLUSION

Amici respectfully support Respondents' positions and request that this Court affirm the judgments of the court of appeals.

Respectfully submitted,

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APPENDIX

APPENDIX

IDENTITIES AND INTERESTS OF *AMICI CURIAE*

The following organizations respectfully submit this brief as *Amici Curiae* in support of Respondent, and urge this Court to affirm the judgment of the court of appeals.

Tahirih Justice Center ("Tahirih") is a national non-profit legal and social services provider that has served courageous individuals fleeing gender-based human rights abuses since 1997. Through direct services, policy advocacy, and training and education, Tahirih protects immigrant women and girls and promotes a world where they can enjoy equality and live in safety and dignity. Tahirih serves immigrant women and girls who have rejected violence, but face incredible obstacles to justice, including language barriers, lack of resources, and a complex immigration system.

The **Asian Pacific Institute on Gender-Based Violence** is a national resource center on domestic violence, trafficking, and other forms of gender-based violence in Asian and Pacific Islander communities, including domestic violence dynamics in refugee zones. The institute serves a national network of advocates and community-based service programs that work with Asian and Pacific Islander survivors, and is a leader on providing analysis on critical issues facing victims in the Asian and Pacific Islander community. The institute aims to strengthen advocacy, change systems, and prevent gender violence through community transformation.

Casa de Esperanza seeks to mobilize Latinas and Latino communities to end domestic violence. Founded in 1982 to provide emergency shelter for women and children experiencing domestic violence in Minnesota, in 2009 Casa de Esperanza launched the National Latin@ Network for Healthy Families and Communities. The National Latin@ Network is a national institute focused on preventing and addressing domestic violence in Latino communities. It organizes national and regional events and provides training and consultations to practitioners and advocates throughout the United States, as well as in Latin America. The organization also engages in federal and state public policy advocacy and conducts research on issues that affect Latino communities.

The **National Domestic Violence Hotline** ("NDVH") was established in 1996 as part of the Violence Against Women Act ("VAWA"). It operates a free, anonymous and confidential, around-the-clock hotline available via phone, internet chat, and text services to offer victims of domestic violence compassionate support, crisis intervention, safety planning and referral services to enable them to find safety and live lives free of abuse. A substantial number of the victims NDVH serves are immigrants or request help related to immigration-related issues. From May 2015 through March 2017, for example, over 10,000 victims contacted NDVH identifying as immigrants and over 6,500 of them sought help related to immigration concerns.

ASISTA Immigration Assistance ("ASISTA") worked with Congress to create and expand routes to secure immigration status for survivors of domestic

violence, sexual assault, and other crimes, which were incorporated in the 1994 VAWA and its progeny. ASISTA serves as liaison for the field with Department of Homeland Security ("DHS") personnel charged with implementing these laws, most notably Citizenship and Immigration Services ("CIS"), Immigration and Customs Enforcement ("ICE"), and DHS's Office for Civil Rights and Civil Liberties. ASISTA also trains and provides technical support to local law enforcement officials, civil and criminal court judges, domestic violence and sexual assault advocates, and legal services, non-profit, pro bono, and private attorneys working with immigrant crime survivors. ASISTA has previously filed amicus briefs to the Supreme Court and to the Second, Seventh, Eighth, and Ninth Circuits.

Break the Cycle is the leading national non-profit organization providing comprehensive dating abuse programming exclusively focused on young people ages 12-24. Founded in 1996 to fill a gap in services for young people experiencing abuse in dating relationships in Los Angeles, California, Break the Cycle expanded nationally in 2004. Today the organization trains law enforcement officers, judges, advocates, attorneys, educators, counselors, and parents across the United States on how to promote healthy youth relationships and serve young survivors of all backgrounds. Break the Cycle also trains peer educators to work with young people in their communities to end dating abuse. Finally, Break the Cycle helps young survivors of dating abuse, domestic violence, sexual assault, and stalking in Washington, DC navigate the justice system and find safety through direct legal representation in civil protection order and related

legal matters. The organization is guided by Let's Be Real youth leaders across the United States.

Futures Without Violence ("FUTURES"), formerly the Family Violence Prevention Fund, is a national nonprofit organization that has worked for over thirty years to prevent and end violence against women and children around the world. FUTURES mobilizes concerned individuals; children's, women's, and civil rights groups; allied professionals; and other social justice organizations to end violence through public education and prevention campaigns, public policy reform, training and technical assistance, and programming designed to support better outcomes for women and children experiencing or exposed to violence. FUTURES joins with the other *amici* because it has a long-standing commitment to supporting the rights and interests of women and children who are victims of crime regardless of their immigration, citizenship, or residency status. FUTURES co-founded and co-chaired the National Network to End Violence Against Immigrant Women working to help service providers, survivors, law enforcement, and judges understand how best to work collaboratively to bring justice and safety to immigrant victims of violence. Using this knowledge, FUTURES helped draft legislative recommendations that were ultimately included in VAWA and the Trafficking Victims Protection Act to assist immigrant victims of violence. FUTURES participates in the Alliance to End Slavery and Trafficking and co-chairs the Coalition to End Violence Against Women and Girls Globally, partnering with other national organizations to reduce sexual and domestic violence against women and children.

Legal Momentum, the Women's Legal Defense and Education Fund, is the oldest women's legal advocacy group in the United States. Legal Momentum served at the helm of the National Task Force to End Sexual and Domestic Violence Against Women, which led efforts to pass VAWA in 1994, and its subsequent reauthorizations in 2000, 2005 and 2013. Since VAWA's inception, Legal Momentum has assisted the U.S. Department of Justice, federal agencies, state and local governments, and private entities with developing and implementing policies to protect victims of domestic and intimate partner violence. Additionally, since 1980, Legal Momentum's National Judicial Education Program has educated and trained thousands of judges and court officials nationwide on gender bias issues related to domestic and partner violence.

The **National Alliance to End Sexual Violence** ("NAESV") is the voice in Washington for the 56 state and territorial sexual assault coalitions and 1300 rape crisis centers working to end sexual violence and support survivors. The rape crisis centers in NAESV's network see every day the widespread and devastating impacts of sexual assault upon survivors, especially those in immigrant communities. We oppose any impediments to survivors feeling safe to come forward, receive services, and seek justice.

The **National Coalition Against Domestic Violence** is the voice of victims and survivors. We are the catalyst for changing society to have zero tolerance for domestic violence. We do this by effecting public policy, increasing understanding of

the impact of domestic violence, and providing programs and education that drive that change.

The **National Coalition of Anti-Violence Programs** ("NCAVP") works to prevent, respond to, and end all forms of violence against and within lesbian, gay, bisexual, transgender, and queer ("LGBTQ") communities. We strive to increase power, safety, and resources through data analysis, policy advocacy, education, and technical assistance. Many of our member programs provide LGBTQ immigration specific services, including legal services, counseling and support, and advocacy. NCAVP is a national coalition of over 50 local member programs and affiliate organizations who provide services to and advocacy for LGBTQ survivors of violence, including many LGBTQ immigrant survivors. Our member programs continue to see an increase in the number of LGBTQ immigrants reporting violence and accessing their services. For example, the percentage of undocumented LGBTQ survivors of intimate partner violence reporting to NCAVP programs increased from 4% in 2014 to 9% in 2015. The issues involved in this case will have significant implications for the clients that NCAVP member programs serve.

The **National Immigrant Justice Center** ("NIJC") is a Chicago-based national non-profit organization that provides free legal representation to low-income refugees and asylum seekers. In collaboration with pro bono attorneys, NIJC represents hundreds of applicants for U visas, T visas, asylees, and refugees at any given time, before the Asylum Office, the immigration courts, the Board of Immigration Appeals, and the federal

courts. In addition to the cases that NIJC accepts for representation, it also screens and provides legal orientation to hundreds of potential asylum applicants every year.

The **National Indigenous Women's Resource Center** ("NIWRC") is a national non-profit organization dedicated to increasing safety and access to justice for American Indian, Alaska Native, and Native Hawaiian women and girls who have been victimized by domestic violence, sexual assault, sex trafficking, and other crimes. NIWRC coordinates closely with other organizations to ensure adequate protections for survivors of domestic violence, sexual assault, and other crimes are included in federal legislation, particularly VAWA.

The **National Network to End Domestic Violence** ("NNEDV"), a social change organization, is dedicated to creating a social, political and economic environment in which violence against women no longer exists. NNEDV is the leading voice for domestic violence victims and their advocates. As a membership and advocacy organization representing the 56 state and territorial domestic violence coalitions, allied organizations and supportive individuals, NNEDV works closely with its members to understand the ongoing and emerging needs of domestic violence victims and advocacy programs. Then NNEDV makes sure those needs are heard and understood by policymakers at the national level.

The **National Organization for Women Foundation** (a 501 (c) (3) organization) is the

education and litigation arm of the National Organization for Women ("NOW"), the largest feminist grassroots organization in the United States, with hundreds of chapters in every state and the District of Columbia. The Foundation's mission is to advocate for the equal rights and well-being of women, addressing a range of issues including violence against women, equal educational opportunity, reproductive rights and women's health, constitutional equality, LGBTQIA rights, combating racism, and especially focusing on the intersectionality of race- and sex-discrimination that harms women of color, including many immigrant women. With NOW and other organizational partners NOW Foundation co-founded the National Coalition for Immigrant Women's Rights ("NCIWR") to advocate for comprehensive immigration reform and effective policy and legislative solutions to problems confronting immigrant women and their families, especially concerning immigrant women who have experienced domestic violence or sexual assault and are at risk for continuing violence from their abuser.

Since 1993, the **National Resource Center on Domestic Violence** ("NRCDV") has provided comprehensive and individualized technical assistance, training, and resource development related to domestic violence intervention and prevention, community education and organizing, and public policy and systems advocacy. The NRCDV strives to be a trusted national leader and sustainable organization, renowned for innovation, multi-disciplinary approaches, and a commitment to ensuring that policy, practice and research is grounded in and guided by the voices and

experiences of domestic violence survivors and advocates.